



03/02/2015

PLANNING COMMISSION AGENDA

7:00 p.m.

1. **CALL TO ORDER:**

- a. Roll Call/Pledge of Allegiance

2. **CONSENT AGENDA:** All matters listed within the Consent Agenda have been distributed to each member of the Kennewick Planning Commission for reading and study. They are considered routine and will be enacted by the one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the regular agenda by request.

- a. Approval of the Minutes dated December 15, 2014
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. **PUBLIC HEARING:**

- a. Zoning Ordinance Amendment (ZOA) #14-04 proposed Hillside Development Regulations.

4. **VISITORS NOT ON AGENDA:**

5. **OLD BUSINESS:**

6. **NEW BUSINESS:**

- a. 2015 Election of Officers

7. **REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:**

8. **ADJOURNMENT:**

**KENNEWICK PLANNING COMMISSION
DECEMBER 15, 2014
MEETING MINUTES**

CALL TO ORDER

Chairman Ruff called the meeting to order at 7:01 p.m.

Recorder Melinda Didier called the roll and found the following:

Present: Commissioners Bobbie Littrell, Fraser Hawley, Raymond Hui, Vice Chairman Eduardo Pacheco, and Chairman Beau Ruff.

Excused: Commissioners Victor Morris and Anthony Moore.

Unexcused:

Vice Chairman Pacheco led the Pledge of Allegiance.

Staff: Gregory McCormick, AICP Planning Director, Anthony Muai, AICP Planner and Melinda Didier, Recorder.

CONSENT AGENDA

- a. Approval of Minutes dated October 20, 2014
- b. Approval of Amended Agenda
- c. Motion to enter Staff Reports into the Record

Vice-Chairman Pacheco moved to accept the consent agenda. Commissioner Littrell seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

Chairman Ruff read the procedures for public hearing testimony. Chairman Ruff then opened the public hearing at 7:03 p.m. for Change of Zone (COZ) #14-08, which proposes to change 9.77 acres located south of W. 27th Ave and east of S. Jean St. from Residential, Suburban (RS) to Residential, Low (RL).

Mr. Muai gave an overview of the staff report including background. He stated there are two minor changes in the staff report to correct errors; one was the location on page one, as well as topography. He read the five Findings of Fact and stated staff has conducted an analysis of the request. Mr. Muai stated that Matt Smith of Tri-Cities Development Co is the applicant, and Charles and Eleanor Morbeck are the property owners. The address of the proposed re-zone is 721 W. 27th Pl. Staff recommends the Planning Commission concur with the findings contained in staff report COZ #14-08, and forward a recommendation of APPROVAL to the City Council.

Questions of staff:

Vice Chairman Pacheco asked if the requirements for the utilities and new resources for development can be met.

Mr. Muai said yes there is plenty of access, water is there, sewer is short distance from there.

Vice Chairman Pacheco said he noticed that there is sewer on Everett.

Mr. Muai said there is sewer on S. Jean Street; and an area on Everett.

Vice Chair Pacheco asked if the sewer line will cross through other property owners' land.

Mr. Muai said if that is necessary the developer will negotiate with property owners to gain utility easements to cross property lines and provide sewer for future development. If they're unable to do that on Everett Place, they'll have to extend sewer in the street.

Testimony by Applicant/Applicant's Representative:

Applicant's representative:

Dave Retter
3205 S. Auburn St.
Kennewick, WA

Mr. Retter stated that he was the applicant's representative, and believes that the change of zone request is a good fit for future residential development of the area.

Testimony in favor of request:

None

Testimony either neutral or against request:

Lester Hamilton
2906 S Jean St.
Kennewick, WA

Mr. Hamilton asked if sewer was coming down Jean Street towards his property; he would like sewer coming down Jean St. instead of Everett Place or across property lines. Sidewalks and street lights are needed as well with increased traffic from development.

Mr. Retter asked if the Planning Commission needed clarification from him on the sewer issue.

Chair Ruff said no further clarification is needed.

Chair Ruff asked if staff had any final comments; Mr. McCormick said no.

Commissioner Hui said that this is preliminary approval and asked if the sewer and sidewalks are approved when the plat application is filed.

Mr. McCormick said that the infrastructure is dealt with when the pre-plat goes to the hearing examiner public hearing; at that time notices go to property owners within 300 feet of the project and the notice of public hearing is advertised in the newspaper.

Staff final comments: None

Chairman Ruff closed the public testimony at 7:16 p.m.

Chairman Ruff asked for a motion.

Commissioner Hui moved that the Planning Commission concur with the findings and conclusions in staff report COZ #14-08 and recommend to City Council approval of the request.

Vice Chairman Pacheco seconded the motion.

The motion carried on a unanimous roll call vote.

Chairman Ruff then opened the public hearing at 7:17 p.m. for Zoning Ordinance Amendment (ZOA) #14-04, proposed Hillside Development Regulations.

Chairman Ruff stated he will abstain from vote on Hillside.

Mr. Muai gave the staff report; he said City Staff was directed by the City Council earlier this year to review development standards regarding hillside development and provide them with options to consider. Since that time staff has been researching and compiling options from several jurisdictions; we're presenting those options to the Planning Commission tonight for discussion of pros and cons and feedback; ultimately to make or not make recommendations to City Council regarding the options. Council directed staff to look at four major areas - retaining walls, manmade slopes, building placement and heights and lot/road layouts. The presentation lists options and then question at the end of each section. Three letters/emails were received to request that tonight's public hearing be continued to March 2nd and are contained in staff report and exhibits. Traditionally in the past when people request a continuance of the public hearing the Planning Commission has granted that.

Questions of staff:

Vice Chair Pacheco asked if there is any significance in March 2nd date.

Mr. Muai said due to citizens wanting to comment being out of town tonight and because of holidays in January and February, the next opening is March 2nd.

Mr. Muai began the staff report with retaining walls, Staff looked at several options.

Chairman Ruff interrupted to state that the Planning Commission will take a vote to continue the public hearing at a later date. Chairman Ruff asked if there is a Commissioner that would like to continue this matter. He then asked Mr. McCormick if there is a point of order to continue.

Mr. McCormick said that we can go through the staff presentation, take public testimony, and at the conclusion of that portion decide whether to continue the hearing or not; if you choose to continue the hearing then at least you have taken in the testimony of those present here tonight.

Commissioner Littrell said people making comments tonight would most likely be making new comments at the continued meeting so we would be going through it twice; is there additional information that would get in, for instance a lawsuit.

Mr. McCormick said it's a possibility you would get redundant testimony; the Chair has flexibility requiring either new or changed information, we have safety valves there.

Chairman Ruff said he would leave it to the Commissioners if they would like to proceed in continuing it; he asked if any Commissioner would like to make a motion to continue to March 2nd.

Commissioner Littrell moved to continue the meeting to March 2nd. Commissioner Hawley seconded the motion.

Chairman Ruff asked for any discussion.

Commissioner Hui said he would like discussion, has no objection to continue, doesn't mind hearing those who want to speak today and can't come on March 2nd and asked if anyone in the audience planned on speaking today or has objection.

Mr. McCormick stated anyone can submit written testimony at any time, up until close of the hearing.

Commissioner Hui said that was his concern, that someone here today wants to testify in person and can't make it to March 2nd meeting.

Chairman Ruff asked if anyone in the audience wants to testify.

Pau Christenson asked from the audience if you are continuing the meeting or not.

Mr. McCormick said there is a motion to continue.

Chairman Ruff asked again if someone wants to testify tonight instead of March 2nd when we plan to continue; seeing none he called for a vote to continue the meeting to March 2nd.

The motion passed unanimously.

VISITORS NOT ON AGENDA: None

OLD BUSINESS: None

NEW BUSINESS: None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

ADJOURNMENT:

The meeting was adjourned at 7:27 p.m.

**Community Planning
City of Kennewick**

**Anthony Muai, AICP
Planner**

To: Planning Commission

Date: December 15, 2014

POTENTIAL HILLSIDE DEVELOPMENT REGULATIONS

Background

In the spring of 2014, at the request of City Council, Planning Staff presented general information related to hillside development techniques. At that workshop, Council directed staff to research hillside development techniques specifically related to retaining walls, manmade slopes, house placement and road and lot layout. Since that time, Staff has been researching different techniques for addressing the areas of hillside development that Council identified. Techniques from across the country have been examined and those felt by staff that would best fit Kennewick's circumstances were chosen as options to be reviewed and potentially adopted.

Process of Selecting Options

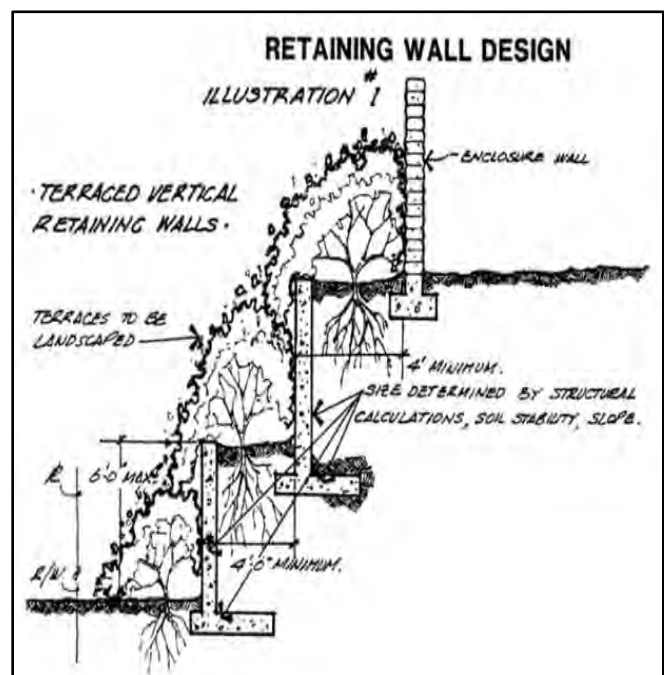
Several options related to hillside development are presented below. Some of the options listed below address the same issue, but in different ways. Each option should be viewed in comparison with its alternatives (no change to the development regulations is also an alternative) to decide which options to recommend to Council. It should also be noted that it Planning Commission's recommendation could include all, a portion or none of the regulatory options identified in the report.

Proposed Options

Retaining Walls

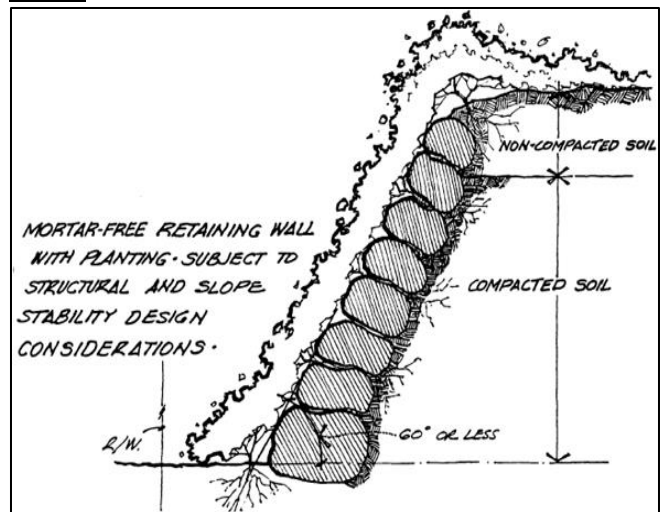
1. Vertical retaining walls shall have a maximum height of six feet (6'). For grade changes of more than six feet (6'), the use of multiple walls in a terrace shall have a four foot (4') minimum width and shall be landscaped. There shall be a four foot (4') landscaped strip between the top terrace and any free-standing enclosure wall or fence used. The finished surfaces of retaining walls shall blend into the natural setting by such means as texturing and the use of earth tone coloring. The use of native stone veneer is also possible. (Mesa, AZ) (See Fig. 1)

Fig. 1



2. For slopes of sixty degrees (60°) and less, mortar free stone retaining walls using irregularly shaped native boulders may be used, subject to structural and slope stability design considerations. Modifications to these standards may be considered on an individual basis where unusual topographical conditions, parcel configurations, or other relevant factors are present. (Mesa, AZ) (See Fig. 2)

Fig. 2



These options are based on standards from City of Mesa, AZ. The height requirement for retaining walls has been changed to reflect current height restrictions on fences and enclosure walls in Kennewick, which is 6 feet. The City of Mesa, AZ limits the height of retaining walls to 5 feet.

Currently there are no height limits for retaining walls. There are also no requirements for terracing or landscaping to beautify or enhance aesthetic appeal of retaining walls. On most hillsides within Kennewick, it will be difficult to provide irrigation from either Kennewick Irrigation District or Columbia Irrigation District depending on location. In most instances where irrigation water is not available, potable City water is already being used. In addition, excessive watering could lead to slope stability issues.

Questions to consider:

- Should the height limit be increased? Lowered? Dictated by number of terraces? (i.e. first 2 terraces @ 6 feet, 3rd @ 10 feet, 4th and up at 12 feet?)
- Should the landscaping be required? If so, how much and where? For walls at the street, are the current streetscape requirements adequate?



(Southcliffe subdivision on Thompson Hill – Use of mortar-free stone retaining walls in conjunction with required street landscaping.)

Manmade Slopes

1. Cut and fill slopes shall have curvilinear configurations and shall be consistent with the recommendation(s) of the soil engineer and the Planning Director. *(see Fig. 3)*

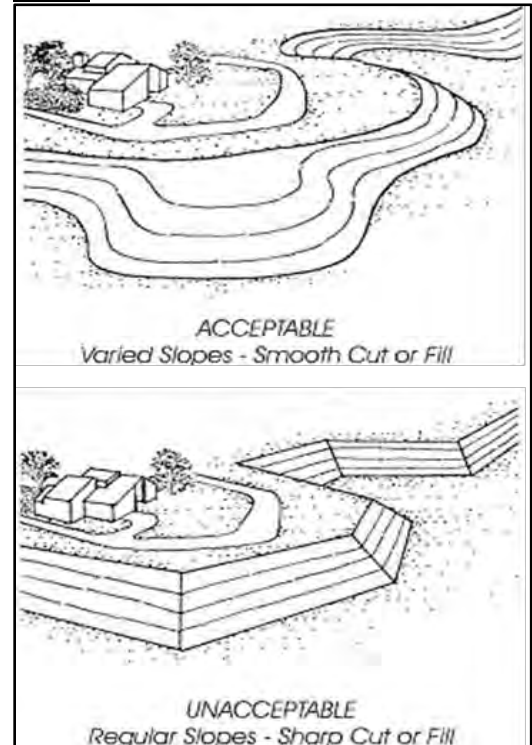
OR

1. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition, rounding or contour shall be provided. Manufactured slope banks intersecting at or near right angles shall be rounded with a radius at the building pad. *(see Fig. 3)*

OR

1. Engineered cut slopes shall not intersect natural slopes at ninety (90) degree angles. The intent is to construct rounded intersecting slopes which blend into the natural topography of the area. *(see Fig. 3)*
2. Definition of major cut slopes: A major cut slope is defined as any cut slope that has a total height cut of 15 vertical feet and greater, or a length of cut slope greater than 100 horizontal feet.
3. Definition of minor cut slopes: A minor cut slope is defined as any cut slope that has a total cut height of less than 15 vertical feet or a length of cut slope less than 100 horizontal feet.
4. Minor cut slopes shall be constructed no steeper than 3 horizontal feet to 1 vertical foot, unless design includes terracing or other erosion control methods.
5. Minor cut slopes shall be stabilized against erosion. All slopes utilizing vegetation for stabilization shall include temporary and/or permanent irrigation to be determined by the Administrator. The use of riprap for cut slopes is prohibited.
6. Major cut slopes shall be constructed as steep as possible to limit the degree of scaring.
7. Major cut slopes shall include benches and terraces.

Fig. 3



Standards #2-7 are from the City of Sparks, Nevada. They address slope cuts and the impact they have on the look of hillsides. Kennewick has no requirements for cut slopes with the exception that slopes cannot be constructed any steeper than 2 horizontal feet to 1 vertical foot. Also, the Kennewick

Municipal Code requires permanent erosion control, but the method in which it is accomplished is unspecified.

Questions to consider

- Should the landscaping be required on cut slopes? If so, how much and where? For cut slopes at the street, are the current streetscape requirements adequate?
- Is the use of riprap as opposed to landscaping sufficient on cut slopes? Would a balanced approach be acceptable with requirements for enhanced landscaping at the base and top?
- Should minor cut slopes be allowed to be constructed at 2 horizontal feet to 1 vertical foot as opposed to 3 to 1?



(Southcliffe subdivision on Thompson Hill – Use of riprap for slope stabilization.)

Building Placement & Heights

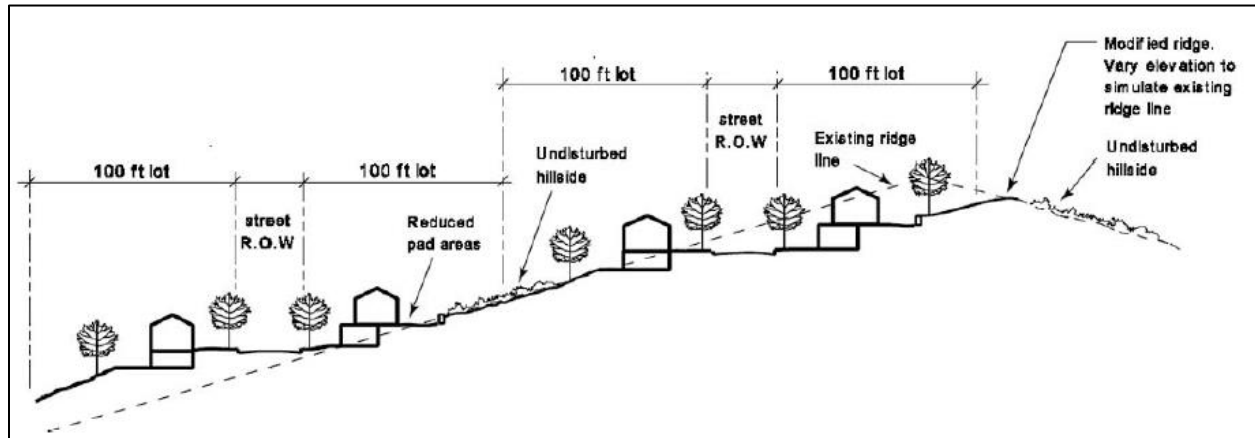
Building Placement

Several examples of options for building placement exist in the Southridge Plan. While the plan was adopted as a policy guide, the implementing development regulations never were adopted and codified. Since adoption of the Southridge Plan, the plan has served as a guide to establish land use designations and zoning, but has not been fully implemented through development regulations. There are a number of development regulations contained within the Southridge Plan. Below are a few examples of the regulations contained in the Southridge Plan that deal primarily with building placement.

1. Prior to development, a topographic survey shall be completed to determine the edge-of-bank defined as that point at which the slope exceeds 25%. (Southridge Plan)

2. The setback for any structure shall be fifty (50) feet from the edge of the edge-of-bank as defined under 1), above. (Southridge Plan)
3. On lots where the average slope is between 15% and 25%, the front yard setback may be reduced by 25% where at least one off-street parking space is provided. (Southridge Plan)
4. Homes shall be designed to blend with the slope through the use of daylight basements, staggered foundations, short retaining walls, etc. (Southridge Plan) (*see fig. 4*)

Fig. 4



5. No section of any driveway may exceed a 10% slope for residential subdivisions or 8% slope for nonresidential site plans. (New Hampshire DES Innovative Land Use Planning Techniques Handbook)

Questions to consider

- Should the proposed development regulations within the Southridge Plan be put into the zoning code as development regulations?
- Should requiring the use of daylight basements and staggered foundations be required? There are already instances of this is being done in Kennewick without the presence of a code requirement.
- Should driveway slope be addressed? Currently there are no standards for driveway slope in single-family residential developments, however there are performances standards for driveways in commercial, industrial and high density residential developments. The maximum driveway slope in these types of developments is 8%.

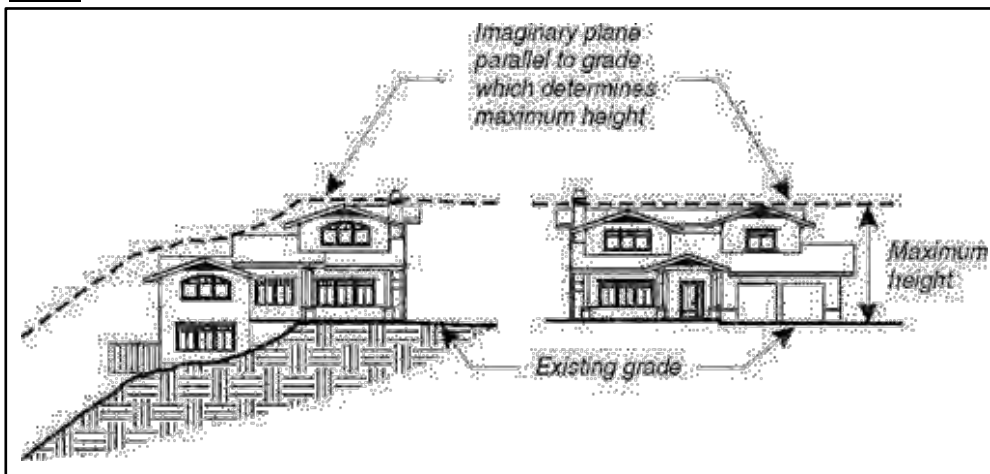
Building Height

1. In any district on lots that slope, the maximum height of a structure shall be measured vertically from ground level from that point of the structure highest on the slope. (KMC 18.30.020)

OR

1. In any district on lots that slope, the maximum height of a structure shall be measured vertically from the ground level. (*see Fig. 5*)

Fig. 5



There is only one difference the two ways identified to measure the height of a building that is on a hillside. The current method sets the maximum height as measured from the highest point on the slope. The alternative method creates an imaginary plane that requires all points of the house to meet the requirement as measured from actual grade on the slope. Figure 5 illustrates this method.

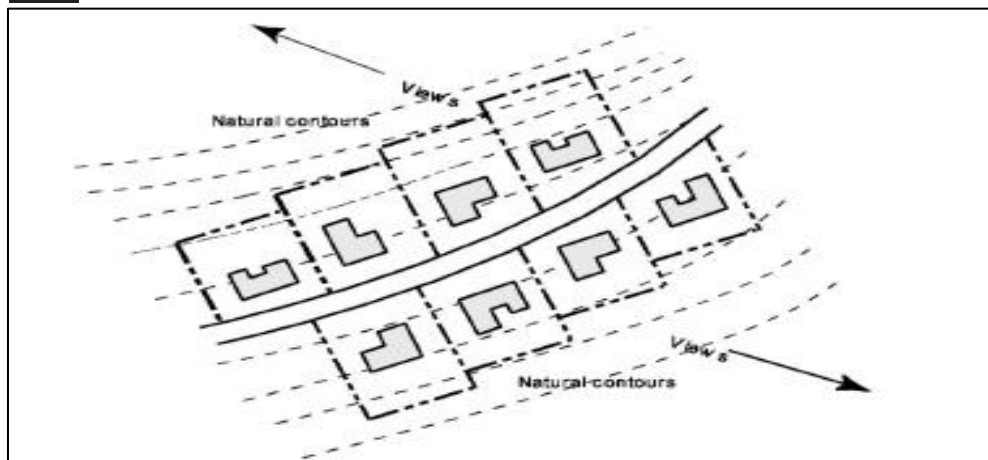
Questions to consider

- Should the method in measuring heights currently contained in the Kennewick Municipal Code be used for hillside development?

Road & Lot Layout

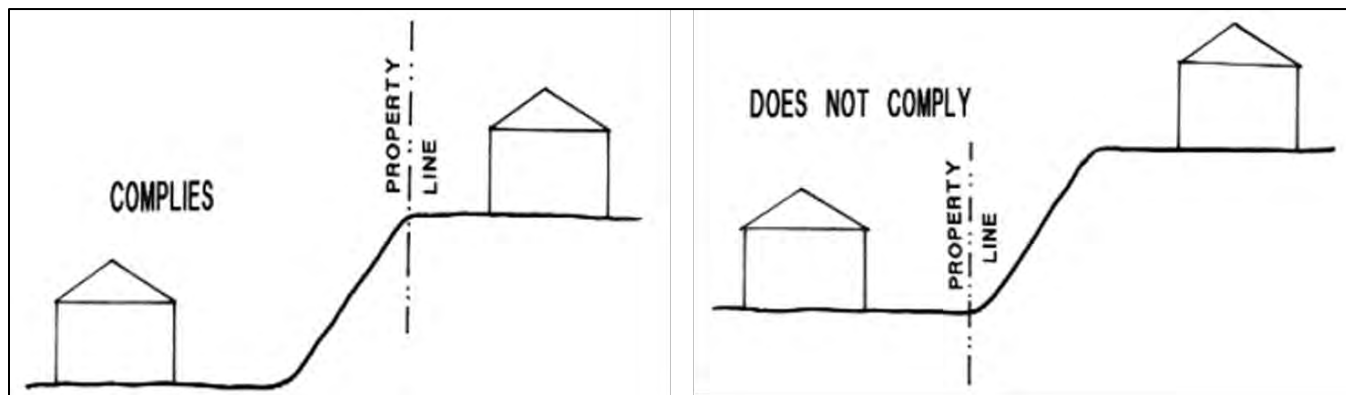
1. Roads shall generally follow natural contours.
2. The layout of a subdivision should be responsive to the topography and other natural features existing on site. It should cause as minimum an impact as possible in terms of grading and removal of existing mature vegetation. (KMC 17.20.010(1)(b)) (see fig. 6)

Fig. 6



3. When there are cut/fill slopes between properties, the property line shall be located at the top of the slope to encourage maintenance of the slope area. (See Fig. 7)

Fig. 7



Questions to consider

- Current regulation addressing road and lot layout is worded as a suggestion, or something that is highly encouraged. Should the regulation be modified to contain mandatory wording?
- Most development with cut slopes have been following the principle of placing property lines at the top of the slope. However there have been instances where placing a fence at the top of the slope has been difficult or near impossible due to limited ground support and high winds. Should there be a setback requirement for fences at the top of slopes? Should there instead be a requirement that the property line be placed a certain distance (i.e. 2-4 feet) from the top of slope?

Applicability

While these standards, if adopted, would be applicable throughout the City, it is important to identify, on which slopes they would apply. The standards could be limited to residential development only, or to all development. At the same time it is important to set a threshold of what types of slopes they should apply to. An easy to identify threshold is 15% slopes. Under current state law, any slope that is 15% or greater is classified as a critical area. If development is proposed on a site that contains slopes of 15% or greater, a critical area report is required to assess slope stability and erosion hazards. While 15% slopes are easy to identify due to their classification as a critical area, the threshold could be increased or lowered at the discretion of the City Council. The following are possible options for when to apply hillside development regulations.

1. These standards shall apply to all projects where any onsite slopes of 15% or greater exist.
OR
1. These standards shall apply to all **residential** projects where any onsite slopes of 15% or greater exist.
OR
1. These standards shall apply to all projects where any onsite slopes of (**??**%) or greater exist.
OR

1. These standards shall apply to all **residential** projects where any onsite slopes of (**?**%) or greater exist.

Questions to consider

- Is the critical area threshold of 15% slopes appropriate for requiring compliance with hillside development regulations? If not, should the threshold be raised or lowered?

Regulatory Controls and Policies

- Kennewick Municipal Code Title 18: Zoning
- Kennewick Comprehensive Plan

Findings of Fact

1. The proposed amendments are necessary to implement design standards for hillside development.
2. The City fulfilled the requirements under the State Environmental Policy Act by issuing a determination of non-significance (DNS) on November 24, 2014 for this proposal.
3. Notice of the proposed code revision (expedited review requested) was sent on November 24, 2014 to the Washington State Department of Commerce (DOC) pursuant to RCW 36.70A.106.

Conclusions of Law

1. Approval will amend appropriate Sections of the KMC modifying various sections implementing City Council direction and applicable sections of the Comprehensive Plan.
2. Approval will result in the public necessity, convenience or general welfare of the public by implementing provisions of the adopted Comprehensive Plan

Exhibits

Exhibit A-1: Email from Terri Hash
Exhibit A-2: Letter from the Home Builders Association of Tri-Cities
Exhibit A-3: Email from Brooke DuBois
Exhibit A-4: Letter requesting continuation from Terri Hash
Exhibit A-5: Email from Stephanie Monson
Exhibit A-6: Letter from Milo Bauder
Exhibit A-7: Email from Hayden Homes
Exhibit A-8: Letter from Grant Young
Exhibit A-9: Email from Christa Sasser

Addendum to Staff Report for ZOA 14-04: Hillside Development Regulations

Below are the changes to the Design Standards related to retaining walls that staff is recommending be adopted. There is currently one standard related to retaining walls within the Design Standards, however it is only recommended. Below are proposed changes to the existing standard and options to meet Council's desire to provide standards for retaining walls in the City of Kennewick.

It is proposed that the wording used in the "Respect/Protect Natural Features" Recommended #2 section of the Commercial Design Standards and the "Protecting Natural Features" Recommended #2 section of the Multi-family Residential Design Standards be removed.

It is proposed that a new section be added to the "Respect/Protect Natural Features" chapter of the Commercial Design Standards and the "Protecting Natural Features" chapter of the Multi-family Residential Design Standards titled "Mandatory".

It is also proposed that a new chapter be added to the Single-family Design Standards titled "Protecting Natural Features", as this chapter or a similar one already exists in both the Multi-family Residential (MFDS) and Commercial Design Standards (CDS).

The recommended standards will remain the same with the exception of Recommended Standard #2 in both the MFDS and the CDS. The change is shown below.

MF Residential Design Standards "Protecting Natural Features" Recommended #2

For hillside developments on steep-slope sites – buildings should be stepped down the hillside to match the topography. ~~Terraced retaining walls must be a maximum of 5 ft high.~~

Commercial Design Standards "Respect/Protect Natural Features" Recommended #2

For hillside developments on steep-slope sites – buildings should be stepped down the hillside to match the topography. ~~Terraced retaining walls should be a maximum of 5 ft high.~~

The proposed additions are shown below.

MF & SF Residential Design Standards "Protecting Natural Features" Mandatory

1. Singular retaining walls constructed of interlocking blocks, poured concrete or similar, not including the use of mortar free stone, shall not exceed 6 feet in height. To achieve a greater height, multiple retaining walls may be used in a terraced system with the first terrace requiring a minimum 4 foot bench and a minimum 2 foot bench thereafter. The height of successive retaining walls may be increased 1.5 feet with each terrace. (i.e a 3 retaining wall system would have a 6 foot high wall at grade and 4 foot bench, followed by a 7.5 foot wall and 2 foot bench, followed by a 9 foot wall for a total of 22.5 feet in height and final setback of 8 feet from property line.)

2. Mortar free stone retaining walls using irregularly shaped native boulders may be used, subject to structural and slope stability design considerations determined by a licensed structural and geotechnical engineer. Mortar free stone retaining walls shall not exceed 12 feet in height. Mortar free retaining walls may be used in a terraced system to achieve greater height. When used in a terraced system, a minimum 2 foot bench is required on all terraces.
3. In rare cases where retaining walls are constructed abutting a sidewalk, the sidewalk width shall be increased to 7 feet for the length of the retaining wall.
4. Landscaping of terraces is required on all terraces under 7 feet in height as measured from grade of the lowest wall in the system. Landscaping shall consist of plants requiring no additional water and/or decorative landscaping stone of various sizes. Landscape artwork may be used at the owner's discretion. Other options not listed may be considered with written request and explanation of how the alternative method would meet the intent of breaking up the massing of the wall or providing some aesthetic enhancement. The Planning Director shall have authority to approve or deny such requests.

Commercial Design Standards "Respect/Protect Natural Features" Mandatory

1. Singular retaining walls constructed of interlocking blocks, poured concrete or similar, not including the use of mortar free stone, shall not exceed 6 feet in height. To achieve a greater height, multiple retaining walls may be used in a terraced system with the first terrace requiring a minimum 4 foot bench and a minimum 2 foot bench thereafter. The height of successive retaining walls may be increased 1.5 feet with each terrace. (i.e a 3 retaining wall system would have a 6 foot high wall at grade and 4 foot bench, followed by a 7.5 foot wall and 2 foot bench, followed by a 9 foot wall for a total of 22.5 feet in height and final setback of 8 feet from property line.)
2. Mortar free stone retaining walls using irregularly shaped native boulders may be used, subject to structural and slope stability design considerations determined by a licensed structural and geotechnical engineer. Mortar free stone retaining walls shall not exceed 12 feet in height. Mortar free retaining walls may be used in a terraced system to achieve greater height. When used in a terraced system, a minimum 2 foot bench is required on all terraces.
3. In rare cases where retaining walls are permitted to be constructed abutting a sidewalk, the sidewalk width shall be increased to 7 feet for the length of the retaining wall.
4. Landscaping of terraces is required on all terraces under 7 feet in height as measured from grade of the lowest wall in the system. Landscaping

shall consist of plants requiring no additional water and/or decorative landscaping stone of various sizes. Landscape artwork may be used at the owner's discretion. Other options not listed may be considered with written request and explanation of how the alternative method would meet the intent of breaking up the massing of the wall or providing some aesthetic enhancement. The Planning Director shall have authority to approve or deny such requests.

Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed development regulations governing retaining walls outlined in the addendum to the City Council.

Motion: I move to recommend approval of the proposed development regulations governing retaining walls outlined in the addendum to the City Council.

Anthony Muai

From: Terri Hash <yourkeytohomes@gmail.com>
Sent: Thursday, December 04, 2014 3:50 PM
To: Anthony Muai
Cc: Grant Young; milo
Subject: Comments regarding the proposed changes to hillside development
Attachments: IMG_20141204_141852746_HDR.jpg; IMG_20141204_132944983_HDR.jpg; IMG_20141204_142048670_HDR.jpg; IMG_20141204_142026031_HDR.jpg

Anthony, three of these pictures are of our streetscape. One is the monument area .The Street trees, although not in their best form in the winter now, are 8 foot tall golden locust. The retaining wall requirements proposed would be overkill on current landscaping requirements.

My comments on some the proposed changes are as follows.

We have done a great job in regards to beautification of our SourhCliffe project with landscaping, per the current requirements. Anyone concerned about aesthetics should take a drive up there and check it out.

We have strong objections to:

- 1) the 50' min from top of slope to building.... It is in direct conflict w the cities density requirements, and would make development completely unfeasible.
 - 2)landscaping on all cut slopes. Absurd.... Maybe on the east coast. You can't just plop in other what works for other communities here.
 - 3) changing the allowable manmade slope requirements from 2 to1 to 3 to 1...
 - 4)No riprap..... This is a viable soil stabilization technique we have use for many years.
- If any of the above requirements were imposed, it would be the equivalent to a taking of property.... Not currently the city's policy.

Thank you,
Terri Hash,
Bauder Young Properties











Building the Tri-Cities since 1958

December 5, 2014

Kennewick Planning Commission
210 West 6th Avenue
Kennewick, WA 99336

Dear Kennewick Planning Commission Members:

On behalf of the Home Builders Association of Tri-Cities (HBA), a non-profit trade association representing more than 600 members who employ nearly 10,000 people in the Tri-Cities and Walla Walla areas, I would like to offer some questions and comments on the proposed hillside development regulations. Most importantly, we would like to know what areas of Kennewick need to be mitigated with such proposals? Are there examples of failures that the City is trying to prevent? Developers and builders working with slopes and on hillsides already use geotechnical engineers to ensure the safety and stability of their projects and that process seems to be working in the City of Kennewick and other areas. When issues do arise, it is almost always because of problems that individual homeowners have caused, such as excessive watering, and not the fault of merely being built on a hillside or as a result of engineering mistakes. It's unclear why hillside development regulations such as these are necessary, unless the intent is to regulate design and not engineering or safety.

Regarding the "manmade slopes" section, the proposal suggests that minor cut slopes be constructed no steeper than 3 horizontal to 1 vertical; but the standard most developers use is 2 to 1, so this is an unnecessary requirement. In that same section it suggests prohibiting the use of riprap for cut slopes. This seems to be an issue that has more to do with aesthetics and ignores the fact that the use of riprap is not only more environmentally friendly, because it doesn't require irrigation, and also just as safe and stable as other methods of erosion control. There is no need to prohibit this and we would oppose any such prohibition.

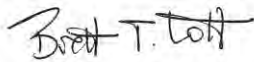
When it comes to "building placement on hillsides", the proposed regulations suggest the use of daylight basements, staggered foundations and short retaining walls to help the homes blend with the slope. This is something that most builders already do because it is a less expensive way to build when building on a hillside. Requiring something like this once again seems to be targeting design. The same is true for road and lot layout – following the natural contours is typically less expensive and the route that most developers already take, so we have to wonder what the purpose is to regulate this, except to again target design.

There are two other major issues with the “building placement” suggestions. The 50 foot setback requirement, in addition to other required setbacks, would end up requiring very large lot sizes, which would make it more expensive for the city to extend services to (as there would be fewer homes that would pay into the system) and could potentially increase the price of homes, as the developer would need to charge more per lot to recoup their investment. In addition, requiring the use of the 50 foot setback in addition to the requirement to blend with the slope (as seen in the illustration) would make land on some hillsides unbuildable. Making lands unbuildable would completely devalue some of the investments developers have made in the City of Kennewick and is tantamount to a public taking of their land through onerous and unnecessary regulations that render their land useless.

In the “road & lot layout” section there is a notation about “Stronger wording?, Different wording?” and the HBA would advocate that the second sentence, relating to “existing mature vegetation” be removed. The existing vegetation in this region usually consists of sagebrush, which may or may not be compatible with the landscape design of the development and should not be required.

If you have any questions concerning our comments or would like to discuss these issues further, please contact our Executive Officer, Jeff Losey, at (509) 735-2745 or jeff@hbatc.com.

Sincerely,

A handwritten signature in black ink that reads "Brett T. Lott". The signature is written in a cursive, slightly stylized font.

Brett Lott, President
Home Builders Association of Tri-Cities

From: [Brooke DuBois](#)
To: [Anthony Muai](#)
Subject: Re: hillside development regulations
Date: Monday, December 01, 2014 7:07:29 PM
Attachments: [image003.png](#)
[519B8D5C-2D5D-4BEF-B7CE-60D47D004F7B.png](#)
[B5441629-0DA2-423D-BFBC-81A3077E0F0F.png](#)

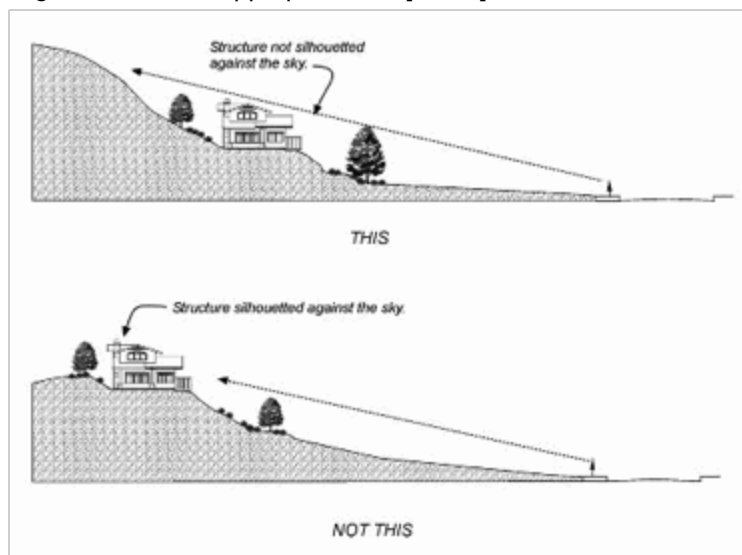
Anthony,

Thank you for the information. There are many good ideas included.

I noticed that Urban Design Goal 4 in the Kennewick Comp Plan is "Protect the City's natural assets - canyons, ridgelines, hilltops, waterfront and view corridors that give Kennewick its unique identity." Was there any consideration given to protecting the ridge lines? They create the backdrop for both Kennewick and Richland and certainly do contribute to the sense of place that all the economic development and Vista Field developer/planners are talking about.

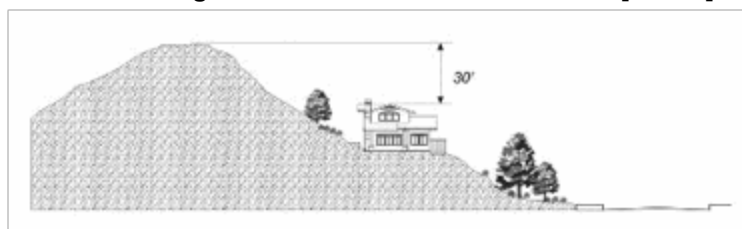
The following example is from Cotati, CA.

vegetation, where appropriate. <!--[if !vml]-->



<!--[endif]-->

Figure 5-7. Silhouetted Structure <!--[if !vml]-->



<!--[endif]-->

Figure 5-8. Location of Structure Below Ridgeline

Thanks for your consideration,
Brooke DuBois

From: Anthony Muai <anthony.muai@ci.kennewick.wa.us>

Date: Monday, December 1, 2014 3:32 PM

To: Brooke DuBois <bldubois@charter.net>

Subject: hillside development regulations

Hello Brooke,

I have attached a presentation and list of draft development regulations that will be going to the Planning Commission. The presentation was from the 11/17 Planning Commission workshop. Right now I am working on formalizing and finalizing the proposals for the public hearing so bear in mind that there will still be some minor tweaking to the document. They will be available online by noon on Monday.

Please let me know if you have any questions.

Anthony Muai, AICP

Planner

City of Kennewick

P.O. Box 6108 | 210 W. 6th Ave. | Kennewick, WA 99336

ph: (509) 585-4386 **lf:** (509) 585-4442

web: www.go2kennewick.com



December 8, 2014

Kennewick Planning Commission
210 West 6th Avenue
Kennewick, WA 99336

Dear Kennewick Planning Commission Members:

I represent Bauder-Young Properties. We have just recently become aware of the proposed hillside regulations that are being presented to the Planning Commission on December 15.

Any such regulations have enormous implications for us, and for a large number of homeowners, business owners, builders, and subcontractors in Kennewick.

We would like time to properly look into this to prepare our response and we would ask that the Planning Commission continue this meeting on January 26, 2015.

Thank you,

A handwritten signature in black ink, appearing to read "Terri Hash", written in a cursive style.

Terri Hash

Bauder-Young Properties
2706 Timberline Drive
West Richland, WA 99353

Anthony Muai

From: Stephenie Monson <steph@valianthomes.com>
Sent: Thursday, December 11, 2014 5:16 PM
To: Anthony Muai
Subject: Proposed Hillside Regulations Request

Planning Commission Members:

This email is in response to the proposed Hillside Regulations that will be heard at the December 15 Planning Commission meeting.

I am an active Builder in the Tri-Cities, and am against any such further regulations in Kennewick. These proposed changes serve absolutely no purpose other than making development of our prime hillside land impossible. Kennewick already has a very strict landscaping code, and the beautiful street-scape landscaping at the most recent Hillside development, SouthCliffe, is one such great example of that.

Further, the additional building codes suggested would make building homes completely unfeasible in the upper-end hillside neighborhoods of Kennewick. We don't have problems with houses sliding off the hillsides here, and if there is no problem to fix, why is this being considered?

I would ask you to drop any further consideration of what is a really bad idea for the community, and our economy as well as the building industry.

I would also like to continue this meeting to march 2, as I just got notice of this and will not be able to attend the meeting.

Thank you,

~ Stephenie

Stephenie Monson
President / General Contractor
Valiant Homes



509-378-8790 office
509-440-1595 cell
509-574-2243 fax

8503 W. Clearwater Ave, Suite D
Kennewick, WA 99336

[Valiant Homes Website](#)

"We never build the same house twice"

Anthony Muai

From: Milo Bauder <mbauder2001@gmail.com>
Sent: Friday, December 12, 2014 10:41 AM
To: Anthony Muai
Cc: Grant; Terri Hash; Tyler Kafentzis
Subject: Esthetic code changes
Attachments: These proposed regulations are unfounded.doc

Anthony
Please get this request to continue to the Planning Commission.
Milo Bauder

Request to Kennewick Planning Commission

These proposed regulations are unfounded. There is no reason from a regulatory, engineering, economic standpoint to introduce additional regulations that are purely esthetic. We recently completed phase 1 in SouthCliffe. We adhered to the current landscaping code, and have a beautiful subdivision, with vegetation covered entry points and streetscapes. To add to what is already required is completely unfounded.

The further suggestions of 50' slope setbacks for back of houses and reducing the slope requirement from 2 to 1 to 3 to 1 slopes, would make it impossible to meet density requirements imposed by the city currently. It would also make the lots so large that infrastructure would not be feasible from the city's standpoint.

This plan is just a bad idea, pushed from special interest groups and are completely unfounded. Please reject any such plans to adopt new regulations.

Also, if further information is required from the Planning Commission, please continue this meeting until March 2, 2015.

Milo Bauder

Anthony Muai

From: Nathan Machiela <nmachiela@Hayden-Homes.com>
Sent: Friday, December 12, 2014 11:12 AM
To: Melinda Didier; Anthony Muai
Subject: RE: December 15, 2014 Planning Commission Meeting

Anthony, I wanted to give you my thoughts to the potential changes to the hillside development regulations. In general I appreciate the City's attempt to limit practices that are not aesthetically pleasing and encourage good building practices. However I do believe that nearly all of the potential changes would inhibit development, lower density, increase development and home costs and require increased maintenance with very little benefit to safety or reduced failures.

Item 1. Retaining walls:

Limiting the height of retaining walls to 6' with 4' offset in the terraced wall scenario will significantly limit the ability to transition between areas with steep slopes while still utilizing the property for development and would in many cases reduce the lot count and would not allow the developer to take advantage of the zoning densities. A retaining wall height of 10' would allow much more design flexibility and could still accomplish a "textured" look if landscaping was planted above and/or below the walls. Keep in mind that for all landscaping an irrigation system is required, which introduces water on a slope which can present slope stability issues especially if there is a leak or breakage and the system/landscaping would require maintenance which further increases costs.

Item 2. Manmade slopes:

My greatest objection to the proposal is in the section on manmade slopes. In nearly all subdivisions I design and build, slopes are constructed based on the geotechnical engineers' recommendations. For the type of soils encountered in the Tri-Cities, 2:1 slopes are the norm. Requiring that developers build slopes no greater than 3:1 would affect nearly every lot by adding width and depth, increasing lot size and limiting the density of development by not allowing us to take advantage of the zoning which allows smaller lots. This proposal has zero benefit to the home owner, developer or community and is in opposition to the City's position on increasing density to reduce sprawl and utilize infill properties for development purposes.

The use of rip rap for slope stabilization is a great use of our natural resources and is utilized effectively in many developments and is much better than an alternative of no ground cover. 100% vegetative slope stability is inappropriate for this region because it is un-natural and would increase demand and use of irrigation water, which is also a natural resource and should be used wisely and preserved. Increased use of irrigation introduces water onto slopes (which from an engineering and geotechnical perspective is unwise), draws water from the aquifer, potentially increases shallow groundwater levels and requires increased demand and maintenance from the irrigation districts. Many jurisdictions are actually requiring xeri-scape designs which encourage use of dry-scape designs and limit the amount of irrigation water in landscaping. I would be in favor of some type of drought tolerant xeri-scape designs rather than a fully irrigated 100% vegetative slope stability.

The curvilinear grading design is OK in concept but leaves a lot up to personal preference of the reviewing engineer. How much curve is acceptable? How will this be enforced during construction? Now will the inspector have to verify or have surveyed the grading slopes? If lots are above and below the slope how will all the extra property required by the slope be included into the road and lot design? Once again this will introduce a significant amount of inefficiency in the lot layout, increase lot sizes, increase road lengths, etc.

Item 3. Building placement and Heights:

I do not agree with the potential requirement to place a structure 50' back from the "edge of bank". If this is implemented into a requirement it would limit development potential of hillside properties and increase costs and home prices without a benefit. Let the geotechnical engineer dictate sound engineering judgment and design practices based on each individual situation. If a slope requires a greater setback based on slope and soil type, then the geotech will

Exhibit A-7

require this in his design. The reviewing engineer can also require additional studies and testing if a situation appears to be questionable and at that time additional mitigation could be required.

The southridge plan should NOT be implemented into zoning code requirements.

Thank you for the opportunity to comment on these items and look forward to many more years of development and building in Kennewick.

Sincerely,

Nathan Machiela | Land Development Manager

C: 509-554-0858

nmachiela@hayden-homes.com



From: Melinda Didier [mailto:Melinda.Didier@ci.kennewick.wa.us]

Sent: Monday, December 8, 2014 4:02 PM

To: Aaron Dyck; Ben Kruse; Bob Bertsch; Brad Beauchamp; Darral Moore; Dave Retter - Windermere Real Estate; Dean Maldonado; Dennis Poland; Derrick Smith; Devi Tate; Dirk Stricker; Doug Carl KSD; Duane LaPierre; Gary Hall; Gary Wagner; Grant Young; Jack Lynch; Jason Archibald; Jason Mattox, P.E.; Jeff Losey; Jerry Hann; Jose Chavallo; Justin Baerlocher; Kevin Barney; Kirt Shaffer; Kristofer Winters; Kyle LaPierre; Mark L Miller; Matt Smith; Milo Bauder; Nathan Machiela; Nichole Banegas; Paul Harmsen; Paul Knutzen; Ryan Jones KSD; Terri Hash

Cc: 'bldubois@charter.net'; 'Debbie Clark'

Subject: December 15, 2014 Planning Commission Meeting

Attached is the December 15, 2014 Kennewick Planning Commission meeting agenda. The full packet is available for viewing [on-line](#).



December 12th, 2014

To:

Kennewick Planning Commission

PO Box 6108

Kennewick, WA 99336

Re:

Feedback to the Kennewick Planning Commission from Bauder-Young Properties LLC regarding: "City of Kennewick Proposed Hillside Development Regulations," received November 26th, 2014, from Melinda Didier, City of Kennewick Planning Department.

Dear Kennewick Planning Commission,

The following comments are in regards to the "Proposed Hillside Development Regulations" distributed in November. Bauder-Young Properties, LLC, having just completed 18 lots in the Southcliffe subdivision, believes that the existing regulations are sufficiently restrictive, and further unnecessary regulation would result in both significantly higher home prices (due to less efficient land use and SIGNIFICANTLY higher development costs) and contradict existing density and zoning requirements. Additionally, the existing thorough landscaping requirements have resulted in a beautiful subdivision. Thus, it is our sincere and strongly felt opinion that the proposed requirements would significantly raise the cost of home ownership in Kennewick, significantly reduce development, while having little or no beneficial aesthetic impact for the community.

Specifically, our feedback is as follows:

Comments related to "General Standards" section:

-Need to add "Stable rockscaped" as this contradicts "Manmade slopes" Sec. 8. Rockscape is a safe and effective way to deal with slopes in Tri-cities geology and climate.

-Landscaping as specified would be prohibitively expensive, not prudent from geotechnical perspective, would require EXCESSIVE water usage, and would be prohibitive to maintain in some situations.

Comments related to "Retaining walls":

-Stepped retaining walls with landscaping prohibitively expensive to build and maintain, and would use excessive irrigation.

-Stepped retaining walls present safety risk (falling) thus increasing liability for developer, homeowner and City.

-Increases land usage making density requirements impossible to meet. (Southcliffe subdivision required variance to meet density requirements with existing regulations).

-Current code already regulates street-facing retaining walls. The related wording should be removed.

Comments related to "Manmade Slopes":

Sec 1: "...and the Planning Director" suggests unacceptable subjectivity. Specific curvilinear configuration specifications are preferable.

Sec 6: Minor cut slopes at 3h:1v are extremely inefficient for sensible land usage, are unsightly, and would make density requirements unattainable.

Sec 7: "The use of riprap for cut slopes prohibited."

- "Riprap" needs clearer definition.

- Contradicts with #8 requesting steep slopes (and consistent with efficient land use practices)

- Stabilized rock most effective way to stabilize steep slopes. Alternatives are ineffective, cost prohibitive, and can require excessive irrigation. Stabilized rock is the most effective way to deal with slopes in the basalt based geology and dry hot climate of the Tri-cities.

Sec. 9: Unsafe and impractical

Comments related to "Building Placement/Heights":

Sec. 2: A 50 foot setback would make compliance with density requirements impossible and increase lot cost above level of economic feasibility for all but the highest end home purchaser.

Comments related to "Road & Lot Layout":

Sec. 2: Consistent with efficient land usage and engineering practices and does not need to be included in document.

Thank you sincerely for your consideration of these comments,



Grant E. Young

Bauder-Young Properties, LLC

Anthony Muai

From: Christa <Christa@owt.com>
Sent: Friday, December 12, 2014 2:30 PM
To: Anthony Muai
Subject: Hillside Regulations !!!

Dear Planning Commission Members:

It has recently come to my attention that the City of Kennewick is looking at options for additional Hillside Regulations.

Why is this being considered? From the looks of the options presented, they are all strictly esthetic and have no bearing on any other aspect.

They would, however have a heavy impact on our building community, developers, and also limit upper-end housing for Kennewick.

If we want to stay in the game for providing **hillside neighborhoods rather than giving them up to Richland**, we should simply **not** consider these additional requirements.

All you have to do is drive through the newer Kennewick neighborhoods that have adhered to the newer landscaping codes to see that they are quiet adequate to keep our neighborhoods top notch.

Please do not consider additional hillside regulations in Kennewick.

Christa Sasser

Christa Sasser/ Designated Broker
GRI, CRS, CRB, A*REO, SFR,
Distinctive Properties, Inc
8022 W. Grandridge Blvd
Kennewick, WA 99336
Tel: (509) 783-1431ext 20
Fax: (509) 736-0864
E-Mail: Christa@owt.com
<http://www.twitter.com/distinctivepro>
www.distinctiveprop.com

If you have received this e-mail in error or to have your address removed please notify the sender immediately, by e-mail Christa@owt.com, or phone (509) 783-1431. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Fuller

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December 12, 2014

Kennewick Planning Commission
210 W. 6th Ave
Kennewick WA 99336

Dear Kennewick Planning Commission Members:

I represent the builder A&R Feser, Inc. We just recently become aware of the proposed hillside regulations that are being presented to the Planning Commission on December 15th.

Any such regulations have enormous implications for us, and a large number of homeowners, business owners, builders and subcontractors in Kennewick.

We would like time to properly look into this to prepare our response and would ask that the Planning Commission continue this meeting at a future date when we have had time to consider the proposal and possible implications.

Thank You

Carol Fuller

Carol Fuller, Real Estate Broker

329 North Kellogg; Kennewick, WA 99336
EMAIL: CarolFuller@Windermere.com

www.CarolAtWindermere.Com

(509) 430-8464